

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

LEONARD QUINN,	)	
	)	
Plaintiff,	)	
	)	
VS.	)	No. 15-1103-JDT-egb
	)	
WESTERN MENTAL HEALTH HOSPITAL	)	
ATTORNEY,	)	
	)	
Defendant.	)	

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ORDER ADOPTING REPORT AND RECOMMENDATION TO DISMISS,  
CERTIFYING AN APPEAL WOULD NOT BE TAKEN IN GOOD FAITH  
AND DENYING LEAVE TO APPEAL *IN FORMA PAUPERIS*

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On May 4, 2015, Plaintiff Leonard Quinn, who currently resides in Memphis, Tennessee, filed a *pro se* civil complaint pursuant to 42 U.S.C. § 1983, accompanied by a motion for leave to proceed *in forma pauperis*. (ECF Nos. 1 & 2.) United States Magistrate Judge Edward G. Bryant subsequently granted leave to proceed *in forma pauperis*. (ECF No. 4.) On March 9, 2016, Magistrate Judge Bryant issued a Report and Recommendation (“R&R”) in which he recommended the case be dismissed *sua sponte*. (ECF No. 6.) Objections to the R&R were due within fourteen days. *See* Fed. R. Civ. P. 72(b)(2), *see also* Fed. R. Civ. P. 6(a)(1)(C), (d). However, Plaintiff has filed no objections to the R&R, and the time within which to do so has expired.

Plaintiff has sued an unidentified attorney for Western Mental Health Institute (“WMHI”), where Plaintiff was a patient when he filed this case. The Magistrate Judge interpreted Plaintiff’s claim as an allegation that an unidentified person in the mail room opened his mail and stole \$50.00 in cash out of the envelope. To the extent Plaintiff is attempting to raise a claim for deprivation of

property without due process, the Magistrate determined he did not state a claim because there was an adequate remedy in the state courts. Magistrate Judge Bryant also noted that Plaintiff is no longer a patient at the WMHI; therefore, any claims for injunctive relief would be moot.

Although Plaintiff's allegation about money being stolen from his mail can be discerned, most of the complaint is incoherent. Plaintiff also does not identify either the WMHI attorney he purports to sue or the person who supposedly opened his mail. Furthermore, the complaint does not contain any actual allegations concerning the WMHI attorney. Therefore, the Court agrees that this case should be dismissed for failure to state a claim.

The Court ADOPTS the R&R and hereby DISMISSES this case for failure to state a claim on which relief may be granted, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and Fed. R. Civ. P. 12(b)(6). Pursuant to Federal Rule of Appellate Procedure 24(a) and 28 U.S.C. § 1915(a)(3), it is CERTIFIED that any appeal in this matter by Plaintiff is not taken in good faith. Leave to proceed on appeal *in forma pauperis* is, therefore, DENIED.

The Clerk is directed to prepare a judgment.

IT IS SO ORDERED.

s/ **James D. Todd**  
JAMES D. TODD  
UNITED STATES DISTRICT JUDGE